

REMARKS

Claims 1-9 and 12-70 are currently pending in this application. Claims 1-9 and 12-48 have been allowed. Claims 53-70 have been withdrawn as being drawn to a non-elected invention.

Claim 52 has been amended to further define the present claimed invention. Applicant respectfully submits that no new matter is added by this amendment, and support can be found in the original claims.

Objection to the Drawings under 37 CFR 1.83(a)

The drawings are objected to under 37 CFR 1.83(a) for failing to show “the spiral platform with cylindrical chute extending medially therethrough” as recited in claim 30 of the present invention. Applicant respectfully submits that this feature is shown in Figure 6, reference numeral 98 in combination with Figure 8c, reference numerals 152 and 154. Additionally, the corresponding description in the Specification of these Figures contains further support of these features claimed in claim 30 and shown in the Figures. Specifically, Figure 6 depicts the dryer 30 and its related components including a description of a “conveyor causing product 18 to be dumped from the upper level of the chute to the lower level” (Application, page 27, lines 10-12). Figure 8 further defines the dryer 30 as “a spiral conveyor dryer” that utilizes the chute to transfer product to different portions of the dryer 30 (Application, pages 28 – 30). Applicant respectfully submits that in view of the description contained in the present specification in conjunction with the item 98 in Figure 6 and items 152/154 in Figure 8c, the feature claimed in claim 30 is disclosed in the Drawings. Therefore, Applicant respectfully submits that this objection has been satisfied and should be withdrawn.

Rejection of Claims 49-52 under 35 USC 102(b)

Claims 49-52 are rejected under 35 USC 102(b) as being anticipated by Nelson et al. (U.S. Patent No. 3,594,860).

Nelson describes a continuous, automatic process for mechanically shucking and eviscerating bivalve mollusks, particularly scallops. A burner severs one half-shell from the bivalve muscle, gaping the shell. The two half-shells are then physically separated and the remaining half-shell, with the muscle and viscera attached, is inverted in a water bath. Water jets strike the flesh, loosening the viscera from the muscle and shell. A suction pump ingests the viscera in a steadily flowing stream of water, thoroughly eviscerating the bivalve. Another burner then severs the muscle from the remaining half-shell (see Abstract).

Applicant respectfully submits that Nelson neither discloses nor suggests “a dumping cage for discharging crated seafood product into a conk tank” comprising “means for receiving said crated seafood product” and “means for displacing the crate whereby the crate is up-ended to discharge the contents” and “means for removing the crate from the receiving means” as recited in the present claimed invention. Nelson is concerned **individual** bivalve mollusks. The present claimed invention, on the other hand, is concerned with “crated seafood product” which includes a quantity of “seafood product” greater than one as is commonly known in the industry. Contrary to the assertion on page 3 of the Rejection, item 50 of Nelson is a tank entered by “the inverted scallop” where jets of water “strike the exposed portion of the scallop between the spaced channels, loosening the viscera from the shell without loosening the muscle” (Nelson, column 4, lines 32-36). This tank for removing the viscera from the shell is wholly unlike the present claimed invention which provides a “**dumping cage for discharging crated seafood product into a conk**

tank.” Specifically, Applicant respectfully submits there is no 35 USC 112 compliant enabling disclosure in Nelson of “crated seafood product”. Rather Nelson is concerned with shucking **individual bivalve mollusks**. This is NOT equivalent to the “dumping cage” mechanism of the present claimed invention.

Nelson specifically states in column 2, lines 73 – 74 which states that “[o]n the belt 14, there is a series of open, L-Shaped trays 24 for receiving **individual scallops**”. Therefore, Nelson is unambiguous and cannot reasonably be interpreted to disclose or suggest a “means for receiving **crated seafood product**” as in the present claimed invention. A shell of a scallop as disclosed by Nelson is NOT equivalent to a crate that retains seafood product therein. Thus, Applicant respectfully submits removing contents from a shell, while leaving other objects in the shell intact, is NOT equivalent to discharging seafood from a crate. Additionally, as shown in Figure 2 and described in the corresponding text of the present invention, the crate of product is turned end over end to dump the **entire** product into the dumping cage. The dumping cage permits the product and ice used for packing the product to fall into the conk tank and prevents the now empty crate from falling into the conk tank. The dumping cage then tosses the empty crate aside to allow a different crate to repeat the process. Therefore, the present claimed invention operates in a fundamentally different manner than Nelson. Contrary to the present claimed invention, Nelson allows the muscle to remain intact with the shell. The present claimed invention, on the other hand, permits none of the “crated seafood product” to remain within the crate.

Applicant further respectfully disagrees with the assertion on page 3 of the Rejection that items 14, 18, 22 and 28 proximate 24 and 42 of Nelson disclose “means for displacing the crate whereby the crate is up-ended to discharge the contents” as recited in the present claimed invention. Items 14, 18 and 22 represent the conveyor belt, a first

wheel, and a second wheel. The belt continuously rotates around the wheels. Further, item 28 is a channel and item 24 is the tray for each **individual scallop** wherein item 42 is the scallop muscle. The rotating belt is not a “means for displacing the crate whereby **the crate is up-ended to discharge the contents**,” but merely is a transportation means for transporting **an individual scallop** about a track. In Nelson, when the tray 24 is inverted thereby inverting the individual scallop (see col. 3, lines 10 – 12). Inverting a scallop is NOT equivalent to “displacing the crate whereby **the crate is up-ended to discharge the contents**” as in the present claimed invention. A scallop shell is NOT equivalent to a crate as in the present claimed invention.

Additionally, Nelson provides that when the tray is inverted, the scallop 12 and the muscle 42 thereof do not fall out of the tray merely as a result of gravity. Rather Nelson requires the viscera to be sucked into “a water suction intake 60...by differential water pressure and are **torn away** from the shell and muscle” (Nelson, column 4, lines 41-42). Thus, the muscle remains in the shell. The present claimed invention, on the other hand, provides for the “contents” of the crate to be discharged when “the crate is up-ended” and requires no additional mechanism to remove the contents from the crate. When the box is upended, the **total** content of the crate falls into the conk tank, **solely as a result of gravity**.

Additionally, Applicant respectfully submits that Nelson neither discloses nor suggests “means for removing the crate from the receiving means” as recited in the present claimed invention. Rather, items 14 and 20 of Nelson represent the conveyor belt and wheel, as previously stated, and merely transports an object. In the present claimed invention, “the dumping cage 58 then rejects the empty crate 52 and **tosses** it aside to allow the following crate 52 to drop therein” (Application page 25, lines 2-4). There is no mention or suggestion of “removing an **empty** crate from the receiving means” in the cited

sections or anywhere in Nelson. Consequently, it is respectfully requested that the rejection of claim 49 under 35 USC 102 (b) be withdrawn.

With regard to claim 50, Applicant respectfully submits that Nelson neither discloses nor suggests “conveying crated seafood product to a conk tank” as recited in the present claimed invention. Nelson describes transporting **bivalve mollusks, one at a time**, along a conveyor belt to shuck and eviscerate the mollusks. There is no mention anywhere in Nelson, let alone the tank 50 for eviscerating the mollusks, of “conveying **crated seafood products** to a conk tank” as recited in the present claimed invention. As discussed above with respect to claim 49, Nelson clearly states that tray 24 is able to receive and transport **individual scallops** (see col. 2, lines 73 – 74). Thus, Nelson is fundamentally different from the present claimed invention. Applicant further respectfully submits that Nelson neither discloses nor suggests “means for elevating said seafood product to the upper rim of a conk tank” as recited in the present claimed invention. Rather, the cited items of Nelson, at 50, 14, 20, 22 of Figure1, merely describe a conveyor belt moving over wheels and thereby passing through a tank. There is no mention of “**elevating said crated seafood product**” at all. In fact, in Figure 1 of Nelson, a lone uncrated scallop is **submerged** in the tank. This is wholly unlike the present claimed invention. There is absolutely no mention or suggestion in Figure 1, or anywhere in Nelson of “**elevating said crated seafood product to the upper rim of a conk tank**” as recited in the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 50 under 35 USC 102 (b) be withdrawn.

With regard to claim 51, Applicant respectfully submits that Nelson neither discloses nor suggests “a system for delivering raw crated seafood product and discharging said product into a conk tank” comprising “a) a product delivery apparatus; and b) a dumping cage for discharging said crated seafood into a conk tank” as recited in the

present claimed invention. Nelson is concerned individual bivalve mollusks and neither discloses nor suggests any mechanism by which “crated seafood product” is to be dumped into “a conk tank”. As described above with respect to claim 49, item 50 of Nelson represents a tank entered by “the inverted scallop” where jets of water “strike the exposed portion of the scallop between the spaced channels, loosening the viscera from the shell without loosening the muscle” (Nelson, column 4, lines 32-36) and removes the loosened viscera via a pump 62 that receives the viscera and provides the viscera to a waste receptacle (see col. 4, lines 40 – 47). No part of the scallop is actually discharged into the tank 50 in Nelson. A tank filled with water used in loosing the viscera of a mollusk is wholly unlike the present claimed invention which provides a “dumping cage for discharging crated seafood product **into a conk tank**”. Neither the shell 12 or the tray 24 of Nelson is equivalent to a crate having seafood product therein. Therefore, removing viscera from a shell, while leaving the muscle in the shell intact, is not equivalent to discharging seafood from a crate as in the present claimed invention. Additionally, as shown in Figure 2 and described in the corresponding text of the present specification, the crate of product is turned end over end to dump the **entire** product into the dumping cage. The dumping cage enables the product and ice to fall into the conk tank and prevents the now empty crate from falling into the conk tank. Nelson provides no 35 USC 112 compliant enabling disclosure of the present claimed features. Consequently, it is respectfully requested that the rejection of claim 51 under 35 USC 102 (b) be withdrawn.

With regard to claim 52, Applicant respectfully submits that Nelson neither discloses nor suggests “a conk tank incorporating a) means for circulating water under pressure; b) means for testing raw seafood product; c) means for agitating contents of said tank; and at least one of i) means for preventing passage of ice while transferring raw seafood product from said conk tank; ii) a first sensor incorporated therein for detecting foreign substances and chemicals within said tank; and iii) a second sensor for measuring

salinity of a solution in said conk tank ” as recited in the present claimed invention. Rather, Nelson provides the single means of continuously replacing the water in the tanks, thereby circulating the water. This turbulent circulation washes the muscle (Nelson, column 4, lines 29-57). The present claimed invention, on the other hand, provides means to circulate the water under pressure to clean the seafood product **and** provides means for testing raw seafood product **and** provides means to agitate the contents of the conk tank to move the product around the tank. Thus, the present claimed invention allows for the agitating means to move “the product 18 to a conk tank conveyer 20 for transferal to a primary sea boiler 22” (Application, page 23, lines 13-14). This combination of features is nowhere described or suggested in Nelson, let alone with the addition of at least one of “means for preventing passage of ice while transferring raw seafood product from said conk tank, a first sensor incorporated therein for detecting foreign substances and chemicals within said tank; and a second sensor for measuring salinity of a solution in said conk tank” as in the present claimed invention. Consequently, it is respectfully requested that the rejection of claim 52 under 35 USC 102 (b) be withdrawn.

In view of the above remarks and amendments to the claims, Applicant respectfully submits that there is no 35 USC 112 compliant enabling disclosure presented in Nelson that anticipates the present claimed invention as claimed in claims 49 - 52. Therefore, Applicant respectfully submits that this rejection has been satisfied and should be withdrawn.

In light of all the above respectfully submitted remarks and amendments to the claims, the applicant accordingly requests that Examiner Parsley now reconsider the application and allow it, as amended, to pass to issue. If the Examiner feels that any additional changes would place this pending application in better condition for allowance he is cordially invited to call the undersigned at his convenience. Should the Examiner

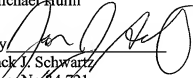
consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawings, then it is respectfully asked that such changes be made by Examiner's amendment, if the Examiner feels this would facilitate passage of the case to issuance.

No additional fee is believed due with this response. However, should an additional fee be due please charge the fee to Deposit Account No. 502828.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully Submitted,

Michael Hulin

By 
Jack I. Schwartz
Reg. No. 34,721

Jack Schwartz & Associates
1350 Broadway, Suite 1510
New York, New York 10018
Tel. No. (212) 971-0416

Date: June 23, 2006